



AN ACT REVISING LAWS RELATED TO NONFERROUS METAL TRANSACTIONS; REQUIRING SALVAGE METAL DEALERS TO MAINTAIN AND RETAIN NONFERROUS METAL ACQUISITION RECORDS; AUTHORIZING INSPECTION OF THOSE RECORDS; AND PROVIDING THAT A VIOLATION CONSTITUTES A MISDEMEANOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1. Definitions.** As used in [sections 1 through 3], unless the context requires otherwise, the following definitions apply:

(1) "Nonferrous metal" means metal and metal alloys not containing significant quantities of iron or steel, including but not limited to:

- (a) copper;
- (b) brass;
- (c) aluminum, other than aluminum cans;
- (d) bronze;
- (e) lead;
- (f) zinc;
- (g) nickel;
- (h) stainless steel, including stainless steel beer kegs; and
- (i) precious metals, including catalytic converters.

(2) "Person" means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity.

(3) "Salvage metal dealer" means a person who is engaged in the business of paying, trading, or bartering for or collecting nonferrous metals that have served their original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing

or potential economic value.

(4) "Seller" means a person who sells or delivers nonferrous metal or otherwise makes nonferrous metal available to a salvage metal dealer.

**Section 2. Recordkeeping.** (1) A salvage metal dealer shall:

(a) maintain a nonferrous metal acquisition record for nonferrous metal transactions that exceed \$50;  
 (b) retain a nonferrous metal acquisition record for a period of not less than 2 years from the date of the transaction; and

(c) make nonferrous metal acquisition records available to any peace officer on demand.

(2) The nonferrous metal acquisition record required under subsection (1) must contain:

(a) the time and date of the transaction and the name of the person conducting the transaction on behalf of the salvage metal dealer;

(b) a general description, using scrap specifications recognized by the institute of scrap recycling industries, inc., of the property acquired, including the type and amount and, if readily discernible, any identifiable marks on the property;

(c) the amount of consideration given for the nonferrous metal;

(d) a photocopy or scanned copy of a current, valid driver's license, passport, or state identification card of the seller, except that the identification copies required under this subsection (2)(d) do not apply if a check for payment is provided to a seller or transferor;

(e) a signature of the seller or transferor; and

(f) a description of any motor vehicle and its license number used in the delivery of the nonferrous metal.

**Section 3. Penalty.** A salvage metal dealer who violates the provisions of [section 2] is guilty of a misdemeanor. Absolute liability, as provided for in 45-2-104, is imposed for a violation of [section 2].

**Section 4. Codification instruction.** [Sections 1 through 3] are intended to be codified as an integral part of Title 30, and the provisions of Title 30 apply to [sections 1 through 3].

- END -

I hereby certify that the within bill,  
SB 0247, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

SENATE BILL NO. 247

INTRODUCED BY BLACK, BALES, T. BROWN, COHENOUR, COONEY, EBINGER, HOLLANDSWORTH,  
JACKSON, JONES, LAIBLE, REGIER, RIPLEY, SCHMIDT, STEWART-PEREGOY, VINCENT

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